

CHAPTER XVII.

INSPECTION, ENTRY, SEARCH AND ARREST.

Inspection, Entry and Search.

233. The Resident at Hyderabad, the Officer Commanding the Division or the Commanding Officer of the Cantonment may enter into, or on, and inspect any building or land if it appears to him to be necessary to do so in order to the exercise of any power conferred upon him by this code.

234. The cantonment authority by itself or by any person generally or specially authorised by it in this behalf may—

- (a) enter into, or on, any building or land for the purpose of—
 - (i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 264; or
 - (ii) resuming any land in pursuance of a notice issued by the Resident at Hyderabad in accordance with the conditions of a lease executed as aforesaid; or
 - (iii) performing any act authorised by any of the provisions of sections 96, 97 and 290, sub-section (1); or
 - (iv) making any inspection authorised by the provisions of section 83, sub-section (1); or
- (b) enter into, and inspect any place which is, or may recently have been, used as a burial or burning ground, if it appears to the cantonment authority to be desirable to do so in order to the carrying out of any of the provisions of this Code; or
- (c) enter into, or on, and inspect any building or land in, on, or with respect to, which the cantonment authority has reason to believe—
 - (i) that a breach of any of the provisions of this Code has been committed; or
 - (ii) that any notice issued under this Code has not been duly complied with; or
 - (iii) that any conditions imposed under this Code have not been duly observed; or
 - (iv) that any notice should be issued under this Code; or
 - (v) that any conditions should be imposed under the provisions of section 112, sub-section (2), section 148, sub-section (2) or section 173.

235. The Sanitary Officer or any Medical Officer of the Government specially deputed by the Cantonment authority, may—

- (a) enter into, or on, any building or land for the purpose of inspecting any receptacles or places provided under section 75 for the temporary deposit of offensive matter and rubbish; or
- (b) enter into, and inspect any dairy, or any place at which a washerman washes or keeps clothes or other articles in the course of his business, if it appears to the Sanitary Officer to be necessary to do so in order to the prevention of the spread of any infectious or contagious disorder; or
- (c) enter into, or on, and inspect any building or land in or on which the Sanitary Officer has reason to believe that there is, or has recently been, any person suffering, or the corpse of any person who has died, from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon; or
- (d) enter into, or on, any building or land in or on which the Sanitary Officer has reason to believe that there is any public conveyance which has been used for the carriage of a person suffering, or the corpse of a person who has died from any infectious or contagious disorder, and which has not been disinfected; or
- (e) enter into, or on, and inspect any building or land in, on, or with respect to which the Sanitary Officer has reason to believe—
 - (i) that any such nuisance as is described in section 87, clause (d), and clause (e) clause (e) or clause (f) has been committed; or
 - (ii) that a breach of any of the provisions of sections 108, 126, 132, 150 to 154, 161, 175 to 178 and 197 has been committed; or
 - (iii) that any notice issued under section 101, section 106 or section 108 has not been duly complied with; or
 - (iv) that any conditions imposed under section 148, sub-section (2), or section 173 and affecting sanitation or hygiene have not been duly observed; or

- (v) that the cantonment authority should be moved to issue a notice under sections 77, 81, 82, 84, 85, 88, 102, 104, 105, 159, 160, 162, 165, 167, 169, 192, or 199, or to take any action under section 53, sub-section (1); or
- (f) enter into and inspect any private slaughter-house, or any structure therein for the purpose of assisting the Cantonment Magistrate in determining whether a license should be issued under section 129; or
- (g) enter on, and inspect any land which it is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 148, sub-section (1), should be given; or
- (h) enter into, or on, and inspect any building or land for the purpose of advising the cantonment authority as to the conditions which should be imposed under section 173 in any license which it is proposed to grant under section 172; or
- (i) enter into, or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137, or has been slaughtered in contravention of section 124 and search for such animal or flesh; or
- (j) enter into, or on, and inspect any building or land for the purpose of—
 - (i) ascertaining whether the cantonment authority should be moved to take any action under section 183, sub-section (1); or
 - (ii) advising the cantonment authority whether any, and, if so, what direction should be issued under section 92, sub-section (1), clause (b), clause (c), or clause (d); or
- (k) enter into, or on, and inspect any building or land with respect to which the Sanitary Officer has reason to believe that the cantonment authority should be moved to issue a notice under section 79, section 85, section 86 or section 88.

Entry, inspection, and search by, or by the authority of, the Cantonment Magistrate.

236. The Cantonment Magistrate, by himself or by any person generally or specially authorised by him in this behalf, may—

- (a) enter into, or on, and inspect any building or land for the purpose of—
 - (i) inquiring into occupation, ownership, agency, rights, or any other matter required to be entered in any of the registers maintained under sections 271, 272 and 273, or
 - (ii) performing the duties imposed on the Cantonment Magistrate, by section 17, sub-section (2), section 69, section 72, or section 78, clause (b), sub-clause (i), or
 - (iii) determining whether a license should be issued under section 117, or section 129, or
 - (iv) ascertaining whether a notice should be issued under section 187 or section 191, or
 - (v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 191, or
- (b) enter into, or on, and inspect any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder and search for such corpse; or
- (c) enter into and inspect any building which is being used, or intended to be used as a theatre or place of public entertainment or resort, or any structure therein for the purpose of enquiring into and testing the safety of such building or structure; or
- (d) enter into, or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137, and search for such animal or flesh; or
- (e) enter any building in order to enforce its surrender in pursuance of the conditions of a lease executed under section 264.

237. The Cantonment Magistrate or the Sanitary Officer may enter into any market or any structure therein, and inspect the same or any article therein, in the performance of the duty imposed upon him by section 115.

238. Where the cantonment authority has, under section 80, sub-section (1), provided for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offensive matter pertaining to any building or land, the persons employed by it to perform such duties may enter into, or on, the building or land for the purpose of performing their duties.

Time of entry.

239 (1) Every entry made under any of the foregoing sections 233 to 237 shall be made between sunrise and sunset:

Provided that if in any such case the authority empowered by any of the said sections to make or authorise an entry thinks it necessary, in the interests of the public health or safety, that entry should be made at any other time, it may, for reasons to be recorded in writing, make such entry, or authorise it to be made, at any reasonable time between sunset and sunrise.

(2) Any entry made under section 238 may be made at any reasonable time.

240. When any building used as a human dwelling is entered under this Chapter, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered under this Chapter, until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

241. Every entry and inspection made under section 234, clause (b) shall be made under such arrangements as shall ensure due regard for the religious feelings of the community concerned.

Arrest without Warrant.

242. Any member of the police force employed in the cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule IV :

Arrest by Police without warrant.

Provided, first, that in the case of the breach of any such provision as is specified in Part B of the said schedule, no person shall be so arrested whose name and address are known to either the complainant or the arresting officer :

Provided, secondly, that no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer :

Provided, thirdly, that no person so arrested shall be detained after his name and address have been ascertained :

Provided, fourthly, that no person so arrested shall, except under the order of a Magistrate be detained longer than may be necessary for bringing him before a Magistrate, and

Provided, fifthly, that no person shall be so so arrested for a breach of the provisions of section 214 except—

IV of 1910.

(a) at the request of the person importuned, or of an officer as defined in the Cantonments Act, 1910, as applied to the cantonment of Secunderabad, in whose presence the breach was committed ; or

(b) by, or at the request of, a member of the British military police force employed in the cantonment and specially authorised in this behalf by the Commanding Officer of the Cantonment, in whose presence the breach was committed, or of any police officer not below the rank of an officer in charge of a police station, who is employed in the Cantonment and specially authorised in this behalf by the Commanding Officer of the Cantonment.

CHAPTER XVIII.

SERVICE OF SUMMONSES, NOTICES, ETC.

243. (1) Unless it is in this Code in any case otherwise expressly provided, any summons, notice, requisition or other document issued thereunder may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business, with some adult male member or servant of his family, or, if it cannot be so served, may be affixed on some conspicuous part of his usual place of abode or business.

(2) Where the usual place of abode or business of the person to whom the summons, notice, requisition or document is addressed is not in the cantonment, it may be served by posting it in a registered cover addressed to his usual place of abode or business.

(3) Where the usual place of abode or business of the owner of any property is not known any such summons, notice, requisition or document addressed to him as such owner may be served on the occupier.

(4) Where the usual place of abode or business of the occupier of any property is not known, any such summons, notice, requisition or document addressed to him as such occupier may be served by affixing it on some conspicuous part of the property.

244. The service of a summons, notice, requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner.

Service on agent of absentee owner.

CHAPTER XIX.

APPEAL AND REVISION.

Appeals from executive orders when allowed and to whom to lie.

245. (1) Any person aggrieved by any of the executive orders described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column of the said schedule.

(2) No such appeal shall be admitted unless made within the period specified in that behalf in the fourth column of the said schedule.

(3) The period specified as aforesaid as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, as applied to IX of 1908, the Cantonment of Secunderabad, with respect to the computation of the period of limitation thereunder.

Petition of appeal.

246. (1) Every appeal under this Code shall be made by petition in writing, accompanied by a copy of the order appealed against.

(2) Any such petition as aforesaid may be presented to the authority which made the order appealed against; and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

(3) Where any such petition as aforesaid is presented direct to the appellate authority and an immediate order thereon is not necessary, the appellate authority may refer the petition for report to the authority which made the order appealed against.

(4) Every appeal petition submitted under sub-section (1) to any authority mentioned in column 3 of Schedule V, other than the Resident, shall be stamped with a Court Fee Stamp of the value of annas 8. Every appeal petition submitted to the Resident shall bear a Court Fee Stamp of the value of Rs. 2.

Suspension of action pending appeal.

247. On the admission of an appeal from an order, other than an order contained in a notice issued under—

- (a) section 78, clause (e),
- (b) section 85,
- (c) section 98,
- (d) section 209, sub-section (1),
- (e) section 215, sub-section (3), or
- (f) section 218,

all proceedings to enforce the order and all prosecutions for any breach thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

248. (1) Where an appeal from an order made by the Cantonment Magistrate dismissing,

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under section 21, a servant of the cantonment authority whose salary is not less than one hundred rupees a month, has been disposed of by the cantonment authority, the servant so dismissed, if he is dissatisfied with the decision of the cantonment authority, may, within thirty days from the date thereof apply to the Resident at Hyderabad for a review of that decision.

(2)

(3) The provisions of this Chapter with respect to appeals shall apply, so far as may be, to applications for review made under this section.

249. Save as otherwise provided in section 248, the order of the appellate authority

Finality of appellate orders.

confirming, setting aside or modifying an order appealed against shall be final:

Provided that no order shall be confirmed, set aside or modified on appeal unless and until the appellant has had a reasonable opportunity of being heard.

CHAPTER XX.

COMMITTEES OF ARBITRATION.

250. On a requisition being made to him under Condition XVIII or Condition XIX set forth in a lease executed under section 264 in Form B or D in Schedule VI, within the period mentioned in such Condition, the Commanding Officer of the Cantonment shall forthwith proceed to convene a committee of arbitration—

- (a) to determine the amount of monthly rent to be paid; or

(b) to determine whether any, and, if so, what repairs are necessary, and the extent to which they are necessary.

251. (1) On an application being made to him under Condition XX or Condition XXI set forth in a lease executed under section 264 in Form B or D in Schedule VI, the Commanding Officer of the Cantonment may, after such inquiry as he may think fit to make, proceed to convene a committee of arbitration—

Discretion of Commanding Officer of Cantonment to convene a committee of arbitration to decide question as to condition of house or as to rent or repairs.

- (a) to determine whether the house has become unfit for occupation; or
- (b) to determine the amount of monthly rent to be paid; or
- (c) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary; or
- (d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by this section, the Commanding Officer of the Cantonment may refuse to convene a committee of arbitration on the ground that the application therefor is groundless or frivolous, or for any other sufficient reason.

252. Where the cantonment authority and the person or persons concerned are unable to agree as to the amount of any compensation payable under the first proviso to section 83, sub-section (3), or under proviso (c) to section 104, sub-section (1), the Commanding Officer of the Cantonment shall proceed to convene a committee of arbitration to determine the amount payable.

Obligation of Commanding Officer of Cantonment to convene a committee of arbitration to determine amount of compensation payable.

253. (1) Where a committee of arbitration is to be convened, the Commanding Officer of the Cantonment shall cause an order to be published in Station Orders stating the matter to be determined by the committee of arbitration.

Procedure for convening committee of arbitration.

(2) The Cantonment Magistrate shall send a copy of the order published under sub-section (1) to the First Assistant Resident and to the parties concerned, and shall by notice in writing require the parties to nominate members of the committee of arbitration as hereinafter provided.

Composition of committee of arbitration convened under section 250 or 251.

254. Every committee of arbitration convened under section 250 or 251 shall consist of—

- (a) the First Assistant Resident, or, if it is inconvenient for him to act, some European civil gazetted officer appointed by the Resident at Hyderabad to act in his stead;
- (b) a member to be nominated by the officer concerned; and
- (c) a member to be nominated by the lessee:

Provided that, if such officer or lessee as aforesaid fails to nominate a member within seven clear days from the date on which he is called upon to do so, or if any member who has been nominated neglects or refuses to act, and such officer or lessee, as the case may be, fails to nominate, within seven clear days from the date on which he is called upon to do so, another member who is willing to act, the Commanding Officer of the Cantonment shall forthwith appoint a member in the place of such nominee.

Composition of committee of arbitration convened under section 252.

255. Every committee of arbitration convened under section 252 shall consist of—

- (a) the First Assistant Resident, or, if it is inconvenient for him to act, some European civil gazetted officer appointed by the Resident at Hyderabad to act in his stead;
- (b) a member to be nominated by the person or persons concerned; and
- (c) a member to be nominated by the cantonment authority:

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nominated by such person or persons neglects or refuses to act, and such person or persons fails or fail to nominate, within seven clear days from the date on which he or they is or are called upon to do so, another member who is willing to act, the Commanding Officer of the Cantonment shall forthwith appoint a member in the place of such nominee.

256. No person shall be nominated or appointed a member of a committee of arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the arbitration; and the nomination of any person who is in the opinion of the Commanding Officer of the Cantonment personally interested in the matter under reference, or whose services are not immediately available as aforesaid, shall be deemed to constitute a failure to make a nomination within the meaning of the foregoing provisions.

Members of committee of arbitration to be persons who are not personally interested, and whose services are immediately available.

257. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice.

Assembly of committee of arbitration.

Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice.

Chairman of committee of arbitration.

258. The First Assistant Resident or the officer appointed to act in his stead shall be the chairman of every committee of arbitration.

259. For the purpose of determining the amount of monthly rent to be paid for a house every committee of arbitration shall estimate, as nearly as may be, the market value of all buildings and authorised additions; and the amount of rent determined upon shall be such percentage on such market value as the committee of arbitration may think reasonable with reference to the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year, and shall include the taxes (if any) levied upon the land or such proportion thereof as the committee of arbitration may find to be customarily paid for the time being in the neighbourhood by tenants.

Decision of committee of arbitration to be by vote and final.

260. (1) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

(2) The decision of every committee of arbitration shall be final.

CHAPTER XXI.

APPLICATIONS FOR BUILDING-SITES ON GOVERNMENT LAND IN THE CANTONMENT.

261. Every application for permission to occupy, for the purposes of a building-site, land belonging to the Government in the cantonment shall be submitted to the cantonment authority in writing, and shall contain the following particulars, namely—

- (a) the situation, area and boundaries of the land;
- (b) the materials to be used in the intended buildings;
- (c) the period after the date of occupation within which the intended buildings are to be completed; and
- (d) the purposes for which the land and the intended buildings are to be used.

Documents to accompany applications.

262. Every application made under section 261 shall be accompanied by—

- (a) a plan, on a scale not smaller than one hundred and ten feet to the inch showing—
 - (i) the boundaries of the land,
 - (ii) the roads or lands adjoining, and
 - (iii) all buildings intended to be erected on the land;
- (b) a ground plan and elevation of the principal building intended to be erected showing the dimensions on the same;
- (c) a statement of the buildings, boundary walls, hedges or fences intended to be erected;
- (d) an approximate statement of the intended outlay on the buildings and on the rent which it is proposed to charge for the same, if let to a tenant; and
- (e) a declaration that the applicant has read the appropriate form of lease referred to in section 264 and undertakes, in the event of his application being sanctioned, to execute a lease in that form.

263. (1) Every application made under section 261 shall, if the procedure prescribed by that section and section 262 has been duly observed, be referred by the cantonment authority to the Executive Engineer—

- (a) for verification of the plan referred to in section 262, clause (a); and
- (b) for report as to whether the land is in the vicinity of a fortified place, whether the land is, in the opinion of the Executive Engineer, likely to be required for any public purpose, and whether there is any departmental objection to the application being sanctioned.

(2) On receipt of such verification and report as aforesaid the application shall be submitted to the Commanding Officer of the Cantonment.

(3) If the Commanding Officer of the Cantonment considers that the occupation of the land in the manner proposed would not be objectionable either as regards the health or comfort of the troops, or in any other respect, he shall attach to the application a certificate to that effect, and shall forward the application to the Officer Commanding the Division for sanction;

Provided as follows:—

- (a) *
- (b) the cantonment authority, the Commanding Officer of the Cantonment, or the Officer Commanding the Division, as the case may be, may reject the application;

- (c) if the land is in the vicinity of a fortified place or is applied for by a railway company, the application shall not be sanctioned without the express orders of the Governor-General in Council obtained through such channel as the Governor-General in Council may direct;

- (d) in no case shall the application be sanctioned without the concurrence in writing of the Resident at Hyderabad.

264. (1) When an application under this Chapter is sanctioned, the applicant shall not

Erection of lease with site plan annexed.

occupy the land, nor erect any building thereon until, at his expense, there shall have been prepared in counterpart and, after execution, shall have been duly registered in accordance with the law for the time in force relating to the registration of documents, a lease as nearly as may be in one of the forms indicated in Schedule VI hereto appended and subject to the conditions set forth in the annexure to such form or in such other form as the Governor-General in Council may by notification prescribe in this behalf.

Explanation.—Form A in Schedule VI shall be applicable to leases of land applied for by a railway company or for the purpose of erecting a hospital, school or other public building. Form B shall be applicable in cases of extensions of existing sites; or where it is desired to regularise existing grants; or in other exceptional cases where the grant of leases for a term of years is not suitable; Form C shall be applicable to leases of land situate in a bazar; and Form D shall be applicable to all other leases of land under this Chapter.

(2) To every lease and to its counterpart there shall be appended a site plan of the land prepared at the cost of the applicant on a scale not smaller than one hundred and ten feet to the inch showing—

- (a) the boundaries of the land,
- (b) the roads or lands adjoining, and
- (c) all buildings authorised to be erected on the land.

(3) The site plan shall be verified by the Executive Engineer, and shall be signed—

- (a) if the land is situate in a bazar, by the Cantonment Magistrate,
- (b) if the land is not situate in a bazar, by the Commanding Officer of the Cantonment,

and shall be indorsed with the date of its preparation, the name of the lessee, and a note specifying the period within which the buildings to be erected on the land are to be completed.

(4) One copy of the site plan prepared at the cost of the applicant and verified by the Executive Engineer shall be delivered by the applicant to the cantonment authority.

Grant and record of leases.

265. When the requirements of section 264 have been complied with, the cantonment authority shall—

- (1) grant to the applicant the lease with site plan annexed and deliver to him possession of the land;
- (2) transmit for record to the head-quarters of the Division the counterpart with site plan annexed; and
- (3) record in his office a copy of the lease authenticated by the signature of the Cantonment Magistrate and accompanied by the copy of the site plan referred to in section 264, sub-section (4).

Saving in favour of Government.

265-A. Nothing in this Chapter shall apply to lands required by the Government for State purposes.

CHAPTER XXII.

REGISTRATION OF IMMOVABLE PROPERTY IN THE CANTONMENT.

266. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of not less than twelve inches to the mile, showing all necessary details and distinguishing in particular—

- (a) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 264, for occupation by civil officers;
- (b) all land which has been set apart for military purposes; and
- (c) all land set apart as State, *serf-i-khas* or *paigah* land within the cantonment and demarcated as such.

267. The cantonment authority shall also prepare and maintain a bazar plan, on a scale not smaller than one hundred and ten feet to the inch, of every bazar in the cantonment.]]

Bazar plan.

268. (1) Every site shall be shown under a distinguishing number on the plans prepared under this Chapter, and the numbers for each bazar shall form a separate series.

(2) Every street shall be shown on such plans as aforesaid by its name or under an alphabetical letter or number.

269. (1) Every plan prepared under this Chapter shall on completion be dated and authenticated by the signature of the Executive Engineer.

(2) Whenever a general plan prepared under section 266 is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer.

270. No. plan which relates to land in the cantonment, and is in the custody of the cantonment authority or of any public officer, other than a plan submitted with an application under Chapter XXI, shall be destroyed without the previous sanction of the Governor-General in Council.

271. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and not situate in the bazar, other than State, *sarf-i-khas* and *paigah* lands (whether the sites were occupied by the lessees before or after the commencement of the Secunderabad Cantonment Code, 1903), and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:

- (a) the name of the cantonment and the number and date of the order declaring it to be a cantonment or defining its limits;
- (b) a reference to any similar register kept before the commencement of the Secunderabad Cantonment Code, 1903;
- (c) the date of registry of the site;
- (d) the number of the site as shown on the general plan maintained under section 266;
- (e) the dimensions of the site;
- (f) the boundaries of the site;
- (g) in the case of a site occupied before the commencement of the Secunderabad Cantonment Code, 1903, the date of the permission to occupy the site, and, in case of a site occupied after the commencement of the Secunderabad Cantonment Code, 1903, the date of the lease executed by the lessee under the said Code, or under section 264;
- (h) the name and description of the lessee at the date of registry;
- (i) the name and description of the lessee's agent (if any) at the date of registry;
- (j) the nature of the lessee's right under this and the Secunderabad Cantonment Code, 1903, or under any other provision of law, including the particulars of any special right of occupancy;
- (k) the estimated value of buildings on the site at the date of registry;
- (l) the dates of authorities to add to buildings; and
- (m) all changes occurring from time to time, whether by transfer, by alterations or additions, by decisions of committees of arbitration, in dimensions, in value, or in agency.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

272. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and situate in the bazar, other than State, *sarf-i-khas* and *paigah* lands (whether the sites were occupied by the lessees before or after the commencement of the Secunderabad Cantonment Code, 1903), and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:—

- (a) the name of the bazar;
- (b) a reference to any similar register kept before the commencement of the Secunderabad Cantonment Code, 1903;
- (c) the date of registry of the site;
- (d) the number of the site, as shown on the bazar-plan maintained under section 267;
- (e) the dimensions of the site;
- (f) the boundaries of the site;
- (g) in the case of a site occupied before the commencement of the Secunderabad Cantonment Code, 1903, the date of the permission to occupy the site, and in the case of a site occupied after the commencement of the Secunderabad Cantonment

Code, 1903, the date of the lease executed by the lessee under the said Code, or under section 264;

- (d) the name and description of the lessee at the date of registry;
- (e) the name and description of the lessee's agent (if any) at the date of registry;
- (f) the estimated value of buildings on the site at the date of registry;
- (g) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency; and
- (h) the dates of authorities to add to building.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

273. The Cantonment Magistrate shall maintain a register showing in regard to all land which is State, *sarf-i-khas* or *paigah* land or which is private property and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:

Register of State, *sarf-i-khas*, *paigah* and private land.

- (a) the name of the cantonment;
- (b) a reference to any similar register kept before the commencement of the Secunderabad Cantonment Code, 1903;
- (c) the date of registry of the site;
- (d) the number of the site as shown on the general plan;
- (e) the dimensions of the site;
- (f) the boundaries of the site;
- (g) the name and description of the owner at the date of registry;
- (h) the name and description of the owner's agent (if any) at the date of registry;
- (i) the particulars of the owner's right by reference to any acknowledgement by the Government, or any other proof;
- (j) the estimated value of buildings on the site at the date of registry; and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value or in agency.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

274. (1) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immoveable property—

Register of transfers.

XXI of 1903.

IV of 1910.

- (a) registered in his own office, where he is himself Registrar or Sub-Registrar of the cantonment under the Indian Registration Act, 1908, as applied to the cantonment of Secunderabad, or
- (b) appearing in the copies forwarded to him by the Registrar of the district under section 29, sub-section (2), of the Cantonments Act, 1910, as applied to the cantonment of Secunderabad,

as the case may be.

(2) The register of transfers shall contain the following particulars, namely:—

- (a) a serial number for each transfer;
- (b) the date of registry;
- (c) the distinguishing number of the site as recorded in the register maintained under sections 271, 272 or 273, as the case may be;
- (d) the name of the transferor;
- (e) the name of the transferee;
- (f) the nature of the transfer, that is to say, whether by sale, mortgage, gift exchange or bequest;
- (g) the date of the transfer; and
- (h) where the cantonment has been constituted a district or sub-district for the purposes of the Indian Registration Act, 1908, as applied to the cantonment of Secunderabad, references to the Indexes Nos. I, II and III kept in the cantonment under sections 54 and 55 of that Act.

XXI of 1903.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

275. Reference, when possible, to the serial number in the registers of transfers shall be sufficient record in the register maintained under sections 271, 272 and 273, respectively, of changes occurring by transfer.

Reference to other registers to the registers of transfers.

276. (1) The cantonment authority shall, in the month of July, in each year, make an inspection of the registers maintained under sections 271, 272 and 273 respectively and shall ascertain—

(a) whether all the changes referred to in section 271, clause (a), or in section 273, clause (4) which have taken place during the last preceding twelve months, have been duly noted in the appropriate register; and

(b) whether any of the said registers are in such a condition as to require renewal.

(2) The cantonment authority may give such directions as it thinks fit after making an inspection under sub-section (1), and shall send a brief report to the Commanding Officer of the Cantonment of any action taken by it under this section.

CHAPTER XXIII.

SUPPLEMENTAL.

Bye-laws.

277. * * * * *

278. (1) In making a bye-law under section 174, the cantonment authority may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine not exceeding five rupees for every day after the first in regard to which the offender is convicted of having persisted in the breach.

(2) In lieu of, or in addition to, such fine as aforesaid, the Magistrate may require the offender to remedy the mischief so far as it lies within his power to do so.

279. (1) No bye-law made under section 174 shall come into force until it has been confirmed by the Resident at Hyderabad and published for such time and in such manner as the Resident may prescribe in this behalf.

(2) The Resident at Hyderabad may cancel his confirmation of any such bye-law, and thereupon the same shall cease to have effect.

280. (1) The cantonment authority shall, before making any bye-laws under section 174, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed bye-laws, with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making such bye-laws, consider any objection or any suggestion which may be received from any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Resident at Hyderabad shall determine whether or not the draft shall be republished for further criticism under this section.

(3) Every bye-law made by the cantonment authority shall be notified in English and in such other language or languages as the Resident at Hyderabad may direct; and such notification shall be conclusive proof that such bye-law has been duly made in accordance with the requirements of this section.

Delegation of Functions.

281. (1) With the previous sanction of the Governor-General in Council, the Resident at Hyderabad may, by order published in the *Hyderabad Residency Orders*, authorise any person mentioned in such order to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those imposed by Chapter XXI.

Provided, first, that a person so authorised shall discharge such of the said functions only as the Cantonment Magistrate may, by order in writing, assign to him; and

Provided, secondly, that the Cantonment Magistrate may, by a like order resume any functions which he may have so assigned.

(2) In the discharge of any functions so assigned to him, such person as aforesaid shall, under the control of the Cantonment Magistrate, have the same powers and responsibilities as the Cantonment Magistrate.

282. With the previous sanction of the Resident at Hyderabad, the Officer Commanding the Division may, by notification in Divisional Orders, delegate any of his functions under this Code to any officer named in such notification; and may, in like manner, vary or rescind any notification so made.

253. (1) The Cantonment Committee may, by order in writing, delegate any of its functions to a sub-committee consisting of any two or more of the members of the Cantonment Committee.

(2) Every order passed by a sub-committee appointed under sub-section (1) shall have the same effect as an order of the Cantonment Committee :

Provided that the Cantonment Committee may, in any particular case, require that any order so passed be submitted to it for confirmation before issue.

Notices.

254. Where any notice issued under any section of this Code requires an act to be done, for which no time is fixed by such section, the notice shall specify a reasonable time for doing the same ; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

255. Where it is provided by this Code that a notice may be given to the owner, lessee or occupier of any land or building, and the owner or lessee and the occupier are different persons, the notice shall be given to the one of them primarily liable to comply with such notice, and, in case of doubt, to both of them :

Provided that, where there is no owner or lessee resident in the cantonment, the delivery of the notice to the occupier shall be sufficient.

256. Every notice issued by the cantonment authority under this Code shall be signed—

(a) by the President or Secretary of the Cantonment Committee ; or

(b) by the members of any sub-committee specially authorised by the Cantonment Committee in this behalf.

257. (1) Unless it is in this Code in any case otherwise expressly provided, every public notice issued thereunder shall be published by proclamation or in such other manner as the Resident at Hyderabad may direct.

(2) Such proclamation as aforesaid shall be made by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method.

Penalties and Prosecutions.

258. (1) Whoever, in any case in which a penalty is not expressly provided elsewhere in this Code, fails to comply with any notice thereunder, or otherwise commits a breach of any of the provisions thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing breach, with an additional fine, not exceeding five rupees, for every day after the first in regard to which he is convicted of having persisted in the breach.

(2) In lieu of, or in addition to, any fine imposed under this Code, the Court may require the offender to remedy, so far as it lies within his power to do so, any mischief in respect of which the fine is imposed.

259. No person shall be liable to punishment for a breach of any of the provisions of this Code unless complaint of the breach is made within three months after the commission thereof before a Magistrate having jurisdiction to entertain the complaint.

Miscellaneous.

260. (1) Where any person fails to perform any act which he has, by a notice issued under this Code, been required to perform, the cantonment authority may cause the act to be performed, and may recover the cost from him.

(2) Any money claimable by the cantonment authority under this Code, otherwise than on account of a tax, may be recovered on application to a Magistrate having jurisdiction within the limits of the Cantonment, or in any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any moveable property within the limits of his jurisdiction belonging to such person.

(3) When money is recoverable from the owner of property, it shall, until it is paid, be a charge on the property.

291. (1) The cantonment authority shall maintain such standards as it thinks fit for the purpose of verifying weights and measures, and shall provide proper means:—

Verification of weights and measures.

(a) for verifying weights and measures in use in the cantonment by comparison with such standards as aforesaid; and

(b) for stamping weights and measures so verified.

(2) The cantonment authority may, by public notice, fix the times and places at which a servant of the cantonment authority shall attend for the purpose of such verification as aforesaid.

292. (1) The cantonment authority may, in any case not otherwise provided for, make compensation out of the cantonment fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the cantonment authority, its officers and servants, by this Code, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Where any dispute arises touching the amount of any compensation which the cantonment authority is required as aforesaid to pay for injury to any building or land, the matter shall be referred to, and decided by, a committee of arbitration constituted under Chapter XX.

293. Every power conferred by this Code on the Resident at Hyderabad, the Officer Commanding the Division, the Commanding Officer of the Cantonment, the cantonment authority, the Sanitary Officer or the Cantonment Magistrate may be exercised from time to time as occasion requires.

294. In cases of emergency, the Cantonment Magistrate may direct the execution of any work or the doing of any act which the cantonment authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work shall be paid from the cantonment fund:

Execution of work in cases of emergency.

Provided that—

(a) he shall not act under this section in contravention of any order of the committee; and

(b) every direction given under this section shall be reported to the next following meeting of the committee.

295. Where a notification under the Cantonments Act, 1910, as applied to the cantonment of Secunderabad, or under this Code has been published **XX of 1910** at length in the *Hyderabad Residency* or in *Station* or *Divisional Orders*, it shall be sufficient in any subsequent notification to the same effect in such Orders as aforesaid to refer to the number, date and subject of the previous notification.

Method of framing notifications.

296. No notice, order, requisition, license, permission in writing or other such document issued under this Code shall be invalid merely by reason of any defect of form.

Validity of notices and other documents.

297. No act done, or proceeding taken, under this Code, shall be questioned merely by reason of the existence of any vacancy in the Cantonment Committee or in any sub-committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

298. (1) A copy of this Code and of any bye-laws made under section 171 shall be kept at the office of the cantonment authority, and shall be open during office hours to the inspection, free of charge, of any inhabitant of the cantonment.

Rules and bye-laws to be available for inspection and purchase.

(2) Copies of this Code, including any such bye-laws as aforesaid, shall be kept at the office of the cantonment authority for sale to the public.

SCHED**FORM**

(See *Ching*)

Register of Receipts into the

[illegible]

FORM 2.

RECEIPT.

(To be retained in Government Authority's Office).

No. _____

Date _____

Received from _____

on account of _____

Rs. _____

(To be given to the person from whom the money is received.)

No. _____, dated _____

Received from _____

on account of _____

Rs. _____

(Signed)

Secretary, Government Committee; _____

FORM 4.

Cantonment Fund Cheque.

Cheque Book No. _____

Cheque No. _____

Dated _____ 19

To the Officer in charge of the Treasury at _____

Pay to _____

Rs. _____

and charge to the _____

Cantonment Fund.

Under _____

(Signed) _____

Secretary, Cantonment Committee.

This cheque is current for three months only.

FORM 5

REGISTER OF PAYMENTS

FROM THE

CANTONMENT FUND

6

Cantonment Ford.

Hendy

Total of each voucher.	Daily total carried to Cash Book.
100	100
200	200
300	300
400	400
500	500
600	600
700	700
800	800
900	900
1000	1000
1100	1100
1200	1200
1300	1300
1400	1400
1500	1500
1600	1600
1700	1700
1800	1800
1900	1900
2000	2000
2100	2100
2200	2200
2300	2300
2400	2400
2500	2500
2600	2600
2700	2700
2800	2800
2900	2900
3000	3000
3100	3100
3200	3200
3300	3300
3400	3400
3500	3500
3600	3600
3700	3700
3800	3800
3900	3900
4000	4000
4100	4100
4200	4200
4300	4300
4400	4400
4500	4500
4600	4600
4700	4700
4800	4800
4900	4900
5000	5000
5100	5100
5200	5200
5300	5300
5400	5400
5500	5500
5600	5600
5700	5700
5800	5800
5900	5900
6000	6000
6100	6100
6200	6200
6300	6300
6400	6400
6500	6500
6600	6600
6700	6700
6800	6800
6900	6900
7000	7000
7100	7100
7200	7200
7300	7300
7400	7400
7500	7500
7600	7600
7700	7700
7800	7800
7900	7900
8000	8000
8100	8100
8200	8200
8300	8300
8400	8400
8500	8500
8600	8600
8700	8700
8800	8800
8900	8900
9000	9000
9100	9100
9200	9200
9300	9300
9400	9400
9500	9500
9600	9600
9700	9700
9800	9800
9900	9900
10000	10000

Form

Budget Estimate of Receipts into and Expenditure from the

Heads of receipts.	Average Receipts (Rs.)	Actuals (previous year).	Estimate (current year).		Estimated (current year).	Remarks
			Original as sanctioned by the Local Authority.	Revised.		
I.—Land Revenue—		Rs.	Rs.	Rs.	Rs.	
Income from land						
II.—Excise—						
Licence fees and duties						
III.—Assessed Taxes—						
Taxes on houses						
Tax on Trades and Professions						
Chaukidari Tax						
Octroi						
Miscellaneous (including tax on horses and carriages).						
IV.—Police—						
Fees, fines and forfeitures						
Unclaimed property						
Miscellaneous (including cattle-pound receipts).						
V.—Minor Departments—						
Agriculture—						
Public gardens						
Sanitation—						
Conservancy tax and fees						
Sale of manure, etc.						
Water supply—						
Water-works						
Other receipts						
VI.—Miscellaneous—						
Sale of old materials						
Contributions (a) { Provincial and Local Grants { Road and waterworks subscriptions						
Rents of houses						
Sales of fruit, grass, etc.						
Other miscellaneous receipts (slaugh- ter-houses, markets, etc.) to be de- tailed as manuscript on the back of this form.						
VII.—Public Works—						
Tolls and Fairs						
Miscellaneous						
Total receipts from local sources						
Opening balance						
Grant Total						

(a) Purpose of any such contribution to be stated in remarks column.

CANTONMENT AUTHORITY'S OFFICE,

Dated 19

(Signed)

Secretary, Cantonment Committee.

6

Cantonment Fund for the year

dated

19

Heads of expenditure.	Actuals (previous year).	Estimate (current year).		Estimate (closing year).	Remarks.
		Original, as sanctioned by the Resi- dent at Hydrabad.	Revised.		
	Rs.	Rs.	Rs.	Rs.	
1.—Refunds—					
Refunds of taxes					
Miscellaneous refunds					
2.—Charges of collection of revenue—					
Collecting establishments					
Contingencies					
3.—General Administration—					
Establishments					
Contingencies					
Contribution towards establishments in Government offices.					
4.—Police—					
Miscellaneous (including cattle- pounds and establishments therefor)					
4-A.—Education—					
Grants-in-aid to schools					
5.—Medical—					
Hospitals and Dispensaries—					
Establishments					
Contingencies					
Vaccinations—					
Establishments					
Contingencies					
6.—Minor Departments—					
Public Gardens, Tree-tending and Forests—					
Establishments					
Contingencies					
Cemeteries—					
Establishments					
Contingencies					
Cemeteries—					
Establishments					
Contingencies					
Public Fairs and Exhibitions—					
Establishments					
Contingencies					
Water-supply—					
Establishments					
Contingencies					
7.—Miscellaneous—					
Rents, rates and taxes					
Petty establishments					
Contingencies					
8.—Superannuation pensions (a)					
9.—Public Works—					
Original Works—					
Buildings					
Roads					
Other works					
Maintenance and Repairs—					
Buildings					
Roads					
Other works					
Petty construction and repairs					
10.—Deposits and advances—					
Total expenditure					
Closing balance					
Grand Total					

(a) To include pensions sanctioned to the Cantonment Fund establishment entertained prior to the 4th November 1905.

(Signed)

President, Cantonment Committee.

FORM B—APPENDIX B—*contd.*

1	2	3	4	5
Major heads.	Minor heads and sub-heads.	Details.	Total assign- ment in Contingent Road Budget Estimate.	
			<i>Rs.</i>	<i>a. p.</i>
	Rent, Rates and Taxes.			
Miscellaneous.	Contingencies.			
Deposits and Advances.				

(Signed) _____

(Signed) _____

Secretary, Contingent Committee.

President, Contingent Committee.

NOTE.—All expenditure should be fully detailed in column 3, thus—

	<i>Rs. a. p.</i>
Purchase of three Crowley carts	450 0 0
„ of bullocks	100 0 0
Feed of „	168 0 0
Repairs and renewals to pans and receptacles	100 0 0
Purchase of gear	50 0 0
*Miscellaneous, not included in above but <i>excluding any reserves</i>	100 0 0
	<u>968 0 0</u>

* This should include all petty expenditure which cannot be detailed but should not include anything of the nature of a reserve.

Major Head—"Public Works."

FORM B.

APPENDIX C.

Details of Budget Estimates for original works (construction of buildings, Roads, Latrines, etc.) in the ——— Cantonment for the year—

1	2	3	4	5	6	7
Sub-heads.	Nature of each work.	Estimated cost of work.	Estimate for (current year).	Previously expended.	Estimate for (ensuing year).	Balance.
Buildings						
Roads						
Other works						

Note.—Column 3 will show the entire cost of the work; column 4, the sum sanctioned for expenditure during the current year; column 5, the amount previously expended since commencement of the work; and column 6, the amount proposed for expenditure during the ensuing year. Thus if the work is to be completed during the ensuing year, the total of columns 4, 5 and 6 will equal that in column 3; otherwise the difference will show the amount which will still be required to complete the work.

* The totals in columns 4 will agree with the statements made in the body of the revised estimate for the current year.

(Signed)

Secretary, Cantonment Committee.

(Signed)

President, Cantonment Committee.

Major Head—"Public Works."

Form S.

APPENDIX D.*Details of Budget Estimate for maintenance and repairs in the**Contingent for the year*

Sub-heads.	Nature of each work.	(Estimate, ensuing year).	Remarks.
Buildings			
Roads			
Other works			
Petty construction and repairs			

(Signed)

Secretary, Contingent Committee.

(Signed)

President, Contingent Committee.

SCHEDULE II.

Form II.

Motion Register of House, Conservancy and Water tower for

[illegible]

FORM III.

Form IV.

No.

House No

House Tax.

H. S. Rs.

BILL No. _____		Dr.
Owner of House No.		
Situated in _____	Razar.	
To SECUNDERABAD CANTONMENT COMMITTEE.		
House Tax for the half-year ending _____ 191		
H. S. Rs.		
Cantonment Committee Office,		Secretary to Cantonment Committee.
Secunderabad, _____ 191		
The signature of the Secretary to this Bill is not in duplicate. Further paying must obtain signature of the collector on back of this bill.		

Form IV—*contd.*

Date of first demand.

„ second demand.

„ of transfer to Arrears Collecting Establishment

Amount of process if any levied.

Date of payment.

Contents received.

Tax Collector.

Rate payers are requested to see that tax bills presented to them are free from alterations or erasures. Any payment made by them on altered or erased bills will not be recognised in cases of disputes. Due notice will, however, be taken of personal or written report before payment is actually made on such bills.

Form V.

No.

House No.

Conservancy Tax

H. S. Rs.

BILL No. _____

Occupier of House No. _____ Dr.

Situated in _____ Bazar. -

To SECUNDERABAD CANTONMENT COMMITTEE.

Conservancy Tax for the half-year ending	191
H. S. Rs.	

Cantonment Committee Office, }
Secunderabad, _____ 191 }
Secretary to Cantonment Committee.

The signature of the Secretary to this bill is not an acquittance. Parties paying must obtain signature of the collector on back of this bill.

Form V—*contd.*

" Date of first demand.

" " second demand.

" transfer to Arrears Collecting Department.

Amount of process if any levied.

Date of payment.

Contents received.

Tax Collector.

Rate payers are requested to see that tax bills presented to them are free from alterations or erasures. Any payment made by them on altered or erased bills will not be recognized in cases of disputes. Due notice will, however, be taken of personal or written report before payment is actually made on such bills.

Form VI.

No.

Flour No.

Water Tax.

H. A. H.

BILL No. _____

Occupier of House No _____ Dr. _____

Situat. _____ Rezar. _____

TO SECUNDERABAD CANTONMENT COMMITTEE.

Water Tax for the half-year ending 191_____191_____

III, 8, 13a.

Condominium Committee Office,

Secunderabad, 191

Secretary to Enforcement Committee.

The signature of the Secretary to this bill is not an acquiescence. Parties paying want ability signature of the collector on back of life bill.

Form VI.—*contd.*

Date of first demand.

„ second demand

„ transfer to Arrears Collecting Establishment.

Amount of process if any levied.

Date of payment.

Contents received.

Tax Collector.

Rate payers are requested to see that tax bills presented to them are free from alterations or erasures. Any payment made by them on altered or erased bills will not be recognised in cases of disputes. Due notice will, however, be taken of personal or written report before payment is actually made on such bills.

Form VII.

NOTICE OF DEMAND.

To

The ^{owner}_{occupier} of House No

Take notice that the sum of H.S. Rs. _____ being the amount due from you as shown below is hereby demanded from you, and that if you do not within 15 days pay the same to an officer authorised to receive payment or into the office of the Cantonment Committee, the amount together with cost will be levied by distress and sale of your moveable property or otherwise as provided by law.

CANTONMENT COMMITTEE OFFICE,

Secunderabad, _____ 191

Secretary to Cantonment Committee.

House tax for the half-year ending ...	191	Ra.
Conservancy tax	101	"
Water tax	191	"

Note.—No fee is charged for the service of this notice.

Form VIII.

Form C.

No.

DISTRESS WARRANT.

To

Amin.

Whereas the $\frac{\text{owners}}{\text{occupiers}}$ of the houses, numbers and situation, as per list on the reverse, have not paid or shown sufficient cause for the non-payment of the sums shown against their names due for the taxes mentioned in the margin, although the said sums have been duly demanded in writing from the said $\frac{\text{owners}}{\text{occupiers}}$ and 15 days elapsed since the service of the Notice of Demand.

This is to require you to distrain the moveable property of the said $\frac{\text{owners}}{\text{occupiers}}$ of houses wherever it may be found within the Cantonment, except ploughs, plough-cattle, tools, or implements of trade or agriculture or any other moveable property, subject to the same exceptions, which may be found upon the premises to the amount of the sums noted on the reverse, and the further sum as shown against each house to defray the charges of taking, keeping, and selling such property, and if, within 10 days next after such distress, the sums noted on the reverse shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the sums as shown on the reverse and the charges of taking, keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property and if no demand be made, to pay the same to the Committee. If distress cannot be made of sufficient property of the said $\frac{\text{owners}}{\text{occupiers}}$ of houses, you are to certify the same to the Committee in returning this warrant.

191
Houses
Tax for half-year ending
Latrine
Water

Secretary to Cantonment Committee.

Office of the Secy. to Cantonment
Committee, Secunderabad,

Dated

191 .

Form VIII—contd.

Serial No.	House No.	Locality.	Name of owner or occupier.	Amount of tax due.	Distress warrant fee.	Date of recovery or levy of distress.
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						
26.						
27.						
28.						
29.						
30.						
31.						
32.						
33.						
34.						
35.						

Dated _____ 191 .

Secretary to Cantonment Committee.

Form XII.

Cattle Pound.

Register of cattle impounded and released at the

[illegible]

Form XIV.

No.

[Form No. 51]

No.

CATTLE FINES.

CATTLE FINES.

Station	Date	Received from	H S. Rs.	as follows:	H S. Rs.
				For pony	
				" bull	
				" buffalo	
				" cow	
				" calf	
				" goat	
				" donkey	
				" days feeding	
				Total H.S. Rs.	
				In charge of the	
				Pound.	

Asst. Clerk, C. M.'s Office, Secunderabad.

Received in Silver H. S. Rs. _____

Received in Copper " " _____

With Chalan No. _____ dated _____

Form XIV—contd.

Description of animals.	Fines.			Feeding charges per diem.			Remarks.
	Rs.	a.	p.	Rs.	a.	p.	
1. Elephant	4	0	0	1	0	0	The owner of one or more head of cattle can pay the pound fines and feeding charges in advance if he wishes to do so. If he pays in cash he must pay at the rate of 20 gandas per rupee.
2. Camel or buffalo	1	0	0	0	2	6	
3. Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer.	0	8	0	0	2	0	
4. Calf, ass or pig	0	4	0	0	1	0	
5. Ram, ewe, sheep, lamb, goat or kid.	0	2	0	0	1	0	

Form XV.

SECUNDERABAD.

HACKNEY CARRIAGE DRIVER'S LICENSE, 191

Serial No. _____

License No. _____

Fee H. S. Rs. _____

Driver's name _____

Father's name _____

Age and caste _____

Residence in full _____

In what stable employed _____

Date of issue _____

Date of expiry, 31st December 191 _____

District Superintendent of Police,

Registering Officer.

SECUNDERABAD.

HACKNEY CARRIAGE DRIVER'S LICENSE, 191

Serial No. _____

License No. _____

Fee H. S. Rs. _____

Driver's name _____

Father's name _____

Age and caste _____

Residence in full _____

In what stable employed _____

Date of issue _____

Date of expiry, 31st December 191 _____

District Superintendent of Police,

Registering Officer.

Form XVI.

SECCUNDERABAD

HACKNEY CARRIAGE LICENSE, 191

First Class.

License No. Fee H. S. Rs.

Owner's name

Do. residence

Description of carriage

To carry

To be drawn by

Date of issue

Date of expiry, 31st December 191

The animal branded with the number of this license may be used with other vehicles of a different license number, but the vehicles must be of the same class and belong to the owner of this license.

District Superintendent of Police,
Registering Officer.

SECCUNDERABAD

HACKNEY CARRIAGE LICENSE, 191

First Class.

License No. Fee H. S. Rs.

Owner's name

Do. residence

Description of carriage

To carry

To be drawn by

Date of issue

Date of expiry, 31st December 191

The animal branded with the number of this license may be used with other vehicles of a different license number, but the vehicles must be of the same class and belong to the owner of this license.

District Superintendent of Police,
Registering Officer.

Form XVIII.

Form of application under Hackney Carriage Rules.

Date.	Name and father's name of applicant.	Residence of applicant.	Nature of application.	Number and class of vehicle and driver's No.	Name of proprietor.	Name and residence of seller and buyer in case of transfer of ownership.	Orders of Registering officer.

Signature of applicant.

Form XXI.

Hackney Carriage Licences Register.

Serial No.	License No.	Class.	Description of conveyance	Load including driver.	Name of owner.	Residence.	Fees.	Date of issue of licence.	Signature of Accountant.	Cash book reference.	Registering Officer's initials.	Remarks.
1	3	3	4	5	6	7	8	9	10	11	12	13

Form XX.

Register of Hackney Carriages examined and passed, 191

Owner's name.	Residence.	Class.	Amount.	Locality where conveyance is kept.	Driver's name.	Licence fee paid by driver.	No. of animals to be used.
			Rs. & P.				

Form XXXIII.

ASSESSMENT BOOK

List of persons liable to the tax on vehicles and animals under

1	2	3	4
FIRST QUARTER.			
No.	Names of persons liable to the tax.	Description of vehicles or animals in respect of which each person is liable to the tax.	Assessment, remission, notice and warrant fees and collections.
	Residence.		
	Four-wheeled motor cars.		
	Four-wheeled vehicles, other than motor cars.		
	Two-wheeled vehicles.		
	Carts or hackeries.		
	Horses or ponies of the height of 12 hands and upwards.		
		Assessment.	
		Remission (if any).	
		Bill No.	
		Receipt No.	
		Notice fees.	
		Warrant fees.	
		Date of payment.	
		Initials of Receiving Officer.	
		Signature.	
THIRD QUARTER.			
		Description of vehicles or animals in respect of which each person is liable to the tax.	Assessment, remission, notice and warrant fees and collections.
		Four-wheeled motor cars.	
		Four-wheeled vehicles, other than motor cars.	
		Two-wheeled vehicles.	
		Carts or hackeries.	
		Horses or ponies of the height of 12 hands and upwards.	
		Assessment.	
		Remission (if any).	
		Bill No.	
		Receipt No.	
		Notice fees.	
		Warrant fees.	
		Date of payment.	
		Initials of Receiving Officer.	
		Signature.	

[Rule 20 of E. O. Notification No. 88, dated 20th December 1965.]

FOR 191

the Residency Orders Notification No. 88, dated 20th December 1905.

FIFTH QUARTER.

Description of vehicles or animals in respect of which each person is liable to the tax.	Four-wheeled motor cars.	Four-wheeled vehicles, other than motor cars.	Two-wheeled vehicles.	Carts or hack-tries.	Horses or ponies of the height of 12 hands and upward.	Assessment, remission, notice and warrant fees and collections.
						Assessment.
						Remission.
						Toll No.
						Receipt No.
						Notice fees.
						Warrant fees.
						Date of payment.
						Initials of Receiving Officer.
						REVENUE.

FOURTH QUARTER.

[illegible]

Form XXIV.

Use on vehicles and animals under *Residency Orders Notification*
No. 88, dated 29th December 1905.

Bill No. _____ for quarter ending _____

Name _____

Address _____

Vehicles and animals liable to assessment.	No. in use.	No. exempted.	Rate per quarter, H. S. Rs.	Amount of tax payable, H. S. Rs.	
				Rs. A. P.	Rs. A. P.
1. Four-wheeled motor cars.			7 8 0		
2. Four-wheeled vehicles.			5 0 0		
3. Two-wheeled vehicles.			3 0 0		
4. Carts or bullock-carts.			1 2 0		
5. Horses or ponies.			2 8 0		
Total.					

Date on which served.

Received the sum of H. S. Rs.

on the

19

Collector.

Use on vehicles and animals under *Residency Orders Notification*
No. 88, dated 29th December 1905.

Date _____

Received from _____

on account of highway tax bill _____

No. _____ the sum of H. S. Rs.

for the quarter ending _____

H. S. Rs.

Collector.

Use on vehicles and animals under *Residency Orders Notification*
No. 88, dated 29th December 1905.

Bill No. _____ for quarter ending _____

Name _____

Address _____

Vehicles and animals liable to assessment.	No. in use.	No. exempted.	Rate per quarter, H. S. Rs.	Amount of tax payable, H. S. Rs.	
				Rs. A. P.	Rs. A. P.
1. Four-wheeled motor cars.			7 8 0		
2. Four-wheeled vehicles.			5 0 0		
3. Two-wheeled vehicles.			3 0 0		
4. Carts or bullock-carts.			1 2 0		
5. Horses or ponies.			2 8 0		
Total.					

Date on which served.

Note—

The amount of this bill must be paid into the office within
fifteen days from date of presentation thereof.

Collector.

Form XXV.

[Rule II of R. O. Neta. No. 89, dated 20th December 1905.]

NOTICE OF DEMAND.

To _____

of _____

Take notice that the Collector demands from you the sum of _____
_____ due from you on account of
the tax leviable under the *Hyderabad Residency Orders* Notification No. 89,
dated 20th December 1905, for the quarter ending on the _____ 191____,
as per bill No. _____, dated _____, already
presented to you; and that if the sum due is not paid into the said Collector's
Office at _____, or if sufficient cause for the non-
payment of the sum is not shown to the Collector within fifteen days from the
service of this notice, a warrant of distress will be issued for the recovery of the
same with costs.

[Signature of the Collector.]

Form XXVI.

[Rule 9 of R. O. Neta. No. 89, dated 20th December 1905.]

No.

SCHEDULE sent to _____

with a request that _____ will, agreeably to No. 3 of the Rules under the *Residency Orders Notification* No. 89, dated the 20th December 1905, fill up and return the same to the undersigned within one week from the receipt thereof, whether _____ be liable to, be assessed with, the tax or not.

SECONDERABAD,

Cantonment Magistrate and Collector,

Secunderabad.

191 }

NOTE.—If the schedule be not returned within the mentioned time, with full details in the remarks column as to the broken period, if there be any, and of military charger, etc., no complaint will be taken into consideration, and the bill will not be amended.

Description of vehicles and animals owned by, or in charge of, the person to whom schedule is sent for completion.	Total No. owned or in charge.	No. kept for use.	No. exempt as Military charger.	Remarks.
Four-wheeled motor cars on springs				
Four-wheeled vehicles on springs except motor cars				
Two-wheeled vehicles on springs				
Carts or hackeries drawn by bullocks.				
Horses or ponies of the height of 12 hands and upwards				

191 }

[Signature of person completing schedule.]

(Schedule A of *Residency Orders* Notification No. 61 of 1st July 1907.)

Form XXVII.

APPLICATION FOR LICENSE TO DRIVE A MOTOR-VEHICLE.

1. Full name of applicant _____
2. Postal address of residence of applicant _____

3. Whether applicant is over 18 years of age _____
4. Whether applicant holds, or has at any time previously held, a licence

5. Particulars of any licence which applicant holds, or which he has previously held _____

6. Particulars of any endorsement on any licence which applicant holds, or which he has previously held _____

Signature of the applicant,

Dated _____

191 .

XXVIII.

(Schedule C of R. O. Notification No. 61 of 1st July 1907.)

APPLICATION FOR REGISTRATION OF A MOTOR-VEHICLE.

1. Full name of owner _____
2. Postal address of usual residence of owner _____
3. Description or type of motor-vehicle _____
4. Type and colour of body of vehicle _____
5. *Weight unladen _____
6. *Axle weight _____
7. *Diameter of wheels _____
8. *Width and material of tyres _____
9. Maximum speed _____
10. Number of cylinders _____
11. Horse power _____
12. Whether intended for—
 - (a) private use
 - (b) use for trade purposes
 - (c) use as a public conveyance

Dated _____ 191____ Signature of the applicant.

* Information to be given only in the case of heavy motor-vehicle or trailer.

Form XXIX.

[Schedule B.]

No. _____ of 19 ____

Fee Rs. 2 (to) only

MOTOR-VEHICLE LICENSE

granted under section 5, Sub-section (2), of the Secunderabad Cantonment and the Residency Bazaars Motor-Vehicle Law, 1906.

(NOT TRANSFERABLE.)

Mr. _____

Address _____

is hereby licensed to drive a Motor-Vehicle for the period of 12 months ending on the 31st December 19 ____

Cantonment Magistrate,
Secunderabad.

19 ____

SCHEDULE III.

(See section 208.)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC.

Take notice that, under section 208 of the Secunderabad Cantonment Code, 1913, you are hereby called upon to attend at the _____ on _____ day, the _____, 19____, at _____ o'clock _____ M. and not to quit the said _____ without the permission of the Medical Officer in charge unless and until that Officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say, from _____.

Medical Officer in charge of the

Dated _____, the _____ 19 ____.

SCHEDULE IV.

(See section 242.)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

1	2	1	2
Section.	Subject.	Section.	Subject.
PART A.		PART B—contd.	
87 (a) (i)	Drunkenness, etc.	144	Leaving vehicle or animal without proper control.
197	Making or selling of food, etc., or washing of clothes, by infected person.	146	Obstructing street.
		161	Polluting source of public drinking water-supply.
PART B.		162	Impairing quality, or diminishing quantity of water in source of public drinking water-supply or injuring or impairing usefulness of water-works.
87 (a) (ii)	Using threatening or abusive words, etc.		Trespass on water-works.
87 (a) (iii)	Indecent exposure of person, etc.		Throwing corpse into a source of public water-supply.
87 (a) (iv)	Begging.	163	Bathing or washing at public well or spring so as to pollute the water.
87 (a) (v)	Exposing deformity, etc.	166	Bathing or washing at any public place which has been prohibited.
87 (a) (vi)	Gaming.		Feeding animal on filth, etc.
87 (a) (xii)	Destroying public notice, etc.	170	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
87 (a) (xiii)	Breaking direction post, etc.	171	Introducing liquor or drug into hospital or dispensary.
87 (g)	Keeping common gaming house, etc.	175	Mendicancy.
87 (h)	Intruding on bathing place, etc.	200 (2)	Loitering or importuning for sexual immorality.
87 (e)	Playing music.		} Remaining in, or returning to, a cantonment after notice of expulsion.
87 (f)	Singing, etc., so as to disturb public peace or order.		
87 (k)	Firing gun, or doing other act, so as to frighten animals or cause annoyance or danger.	210	Cruelty to animals.
87 (n)	Baiting.	213	Letting off fireworks, etc., without permission.
90 (2)	Destroying, etc., name of street or number affixed to building.	214	
140	Rash riding or driving.	215	
141	Riding or driving at time or in manner prohibited.	216	
142	Driving, etc., between nightfall and dawn without a suitable lamp.	218	
		224	

SCHEDULE V.

(See Chapter XIX.)

APPEALS FROM EXECUTIVE ORDERS.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
	Cantonment Magistrate's order, dismissing servant of cantonment authority—		
21	(1) Whose salary is less than twenty-five rupees a month.	Cantonment authority.	Thirty days from date of order.
	(2) Whose salary is not less than twenty-five rupees a month.	Resident at Hyderabad.	Do.
78 (a)	Cantonment authority's notice to provide sufficient drainage.	Commanding Officer of the Cantonment.	Fifteen days from service of notice.
82	Cantonment authority's notice to fill up a tank or marshy ground, or drain off or remove waste or stagnant water.	Do.	Thirty days from service of notice.
85	Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Resident at Hyderabad in consultation with the Officer Commanding the Division.	Do.
92 (1)	Cantonment authority's refusal to sanction the erection or re-erection of a building.	First Assistant Resident.	Thirty days from date of refusal.
92 (2)	Cantonment authority's notice to alter or demolish a building.	Do.	Thirty days from service of notice.
95	Cantonment authority's notice to pull down or otherwise deal with a building newly erected or re-built without permission over a sewer, drain, culvert, water-course or water-pipe.	Commanding Officer of the Cantonment.	Do.
96	Cantonment authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation.	Do.	Do.
97	Cantonment authority's notice to remove a building, wall or structure, or anything affixed thereto, or a bank, or trees, or to repair a building, wall, structure or bank.	Do.	Do.
100 (1)	Cantonment authority's notice to close a muni.	First Assistant Resident.	Do.
119 (3)	Cantonment authority's notice to close a market.	Resident at Hyderabad.	Do.
123	Cantonment authority's notice prohibiting or restricting the use of a slaughter-house.	First Assistant Resident.	Twenty-one days from service of notice.

SCHEDULE V—*contd.*

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
209 ...	Order of Commanding Officer of Cantonment on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the Division.	Thirty days from service of notice.
215 (3) ...	Cantonment Magistrate's notice, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	First Assistant Resident.	Do.
216 ...	Cantonment Magistrate's notice, issued on order of the Commanding Officer of Cantonment directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the Division.	Do.
251 (2) ...	Order of Commanding Officer of Cantonment refusing to convene a committee.	Officer Commanding the Division.	Thirty days from date of order.
264 and Schedule VI (Conditions of Lease).	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house not already occupied by a military officer to a military officer.	Do.	Twenty-one days from service of notice.
	Cantonment authority's notice in pursuance of conditions of lease, requiring a lessee to let a house to a civil officer.		
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a tenant to vacate a house.		

SCHEDULE VI.

(See section 264.)

FORM A.

(Form of lease to be executed in cases of land applied for by a railway company, or for the purpose of creating a hospital, school or other public building.)

THIS INDENTURE made the _____ day of _____, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part, and _____ (hereinafter called the Lessee (s) which expression where the context so admits shall include ^{his} ~~her~~ successors and assigns) of the other part,

WHEREAS the Lessee (s) ^{has} ~~have~~ applied for permission to occupy, for the purposes of a building site, the land belonging to the Government in the _____ Cantonment which is delineated in the site-plan hereto appended, and ^{has} ~~have~~ submitted with ^{his} ~~her~~ application the particulars and documents required by sections 261 and 262 of the Secunderabad Cantonment Code, 1913;

AND WHEREAS the said application has received the sanction of the Officer Commanding the _____ Division.

NOW THIS INDENTURE WITNESSETH as follows:

1. The Secretary of State doth hereby grant unto the Lessee (s), liberty and licence to enter into and upon the piece or parcel of land delineated in the site plan hereto appended, and henceforth to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by ^{them} thereon, ^{subject to the conditions set forth in the} annexure hereto.

* Fill in as the case may be, "free of rent; but," or "subject to the payment of the yearly rent of rupees _____ and."

2. The lessee (s) hereby covenant (s) with the Secretary of State, that the Lessee shall and will [† duly pay the said rent in the manner provided in the annexure hereto, and] observe all and every the conditions hereinbefore referred to and on ^{its} ~~their~~ part to be observed.

† When the parties execute on separate dates, omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the date of making the indenture.
Strike out to suit facts.

In witness whereof the Secretary of State has hereunto set his hand and seal and the Lessee (s) has caused its common seal to be affixed ^{the day and year first} have also set their hands and seals above written.

Signed, sealed and delivered by the Officer Commanding the _____ Division acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of _____

The common seal of the _____ presence of _____

Company was hereto affixed in the _____

or _____

Signed, sealed and delivered by the above-named _____

in the presence of _____

Note.—Copies of the form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

ANNEXURE TO FORM A.

CONDITIONS.

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note endorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Secunderabad Cantonment Code, 1913, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee (s)' application under sections 261 and 262 of the said Cantonment Code and plans and documents accompanying the same and the site plan appended hereto or, where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee (s).

Condition III.—The land shall not be used for any purpose other than those specified in the Lessee (s) application under section 261, clause (d), of the Secunderabad Cantonment Code, 1913, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified:

Provided, always, that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee (s) shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured, as aforesaid, as to the Officer Commanding the Division shall seem fit, provided nevertheless, that in no such case shall the Lessee (s) be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III-A.—*The Lessee (s) shall pay the said yearly rent of rupees _____, and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

* This clause to be struck out, if the land is rent free.

Condition IV.—(1) Whenever the Lessee (s) intend (s) to transfer, by sale, gift, mortgage or exchange, ^{his} interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, ^{the} or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month and with the concurrence of the Resident at Hyderabad, to impose, by order in writing, his veto on any such transfer; and, if any case the Cantonment Authority considers it desirable that the said power of veto shall be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Condition V.—Every person on whom the Lessee (s) interest in the land, or in the buildings erected on the land, may devolve by transfer, by succession or by operation of law, shall send to the Cantonment Authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272 as the case may be of the Secunderabad Cantonment Code, 1913.

Condition VI.—(1) If the Lessee (s) ^{does} not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing, require ^{it} to remove all or any buildings or materials which ^{it} may have erected or collected thereon and if ^{it} fail (s) to comply with such notice the Cantonment Authority may after giving ^{it} six hours further notice in writing, cause such removal to be effected and recover the cost from ^{it} and may also cancel the lease.

(2) If the Lessee (s) erect (s) any building or make (s) any alteration or addition otherwise than as allowed by or under Condition II. the Cantonment Authority may, by notice in

writing, require ^{it} ~~them~~ to remove the building or to alter the same to its satisfaction, and if ^{it} ~~they~~ fail (e) to comply with such notice of the Cantonment Authority, may after giving ^{it} ~~them~~ six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from ^{it} ~~them~~.

Condition VII.—(1) So long as the Lessee (s) shall duly [pay the said rent of rupees and[†]] observe the conditions herein before specified, and on ^{its} ~~their~~ part to be observed, ^{it} ~~they~~ may subject to Condition IX, hold the land for ever without interruption by the Secretary of State.

Forfeiture for breach of any other condition.

† The words in brackets to be omitted, if the land is rent free.

(2) If the Lessee (s) shall [fail to pay the said [†] rent of rupees for twenty-one days after the same shall become due or shall], in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided, or shall break any of the conditions hereinbefore specified, other than Condition I or Condition II, and on ^{its} ~~their~~ part to be observed, the Resident at Hyderabad may, after giving one month's notice in writing, resume possession of the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee (s) in the buildings erected on the land to be forfeited.

Condition VIII.—The Lessee (s) shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

Claims to compensation barred.

Condition IX.—The Resident

Right of the Government to resume the land on payment of compensation for buildings.

at Hyderabad may resume possession of the said land or any portion thereof at any time upon giving one calendar month's previous notice in writing in that behalf to the Lessee (s) under the hand of some duly authorised officer and upon paying to the Lessee (s) compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code of 1913, and the Lessee (s) shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following—

- (i) the original cost of materials and construction;
- (ii) the condition of the buildings and their value at the date of resumption;
- (iii) the rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof.

FORM B.

(See section 264, Secunderabad Cantonment Code, 1913.)

(Form of lease for an indefinite term to be executed in cases of extensions of existing sites; or where it is desired to regularise existing grants; or in other exceptional cases where the grant of leases in Forms A, C and D is not suitable).

THIS INDENTURE, made the _____ day of _____ BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns), of the one part and _____ son of _____ (hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns), of the other part.

WHEREAS the Lessee has applied for permission to occupy for the purpose of a building site, the land belonging to the Government in the _____ Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 281 and 282 of the Secunderabad Cantonment Code, 1913;

AND WHEREAS the said application has received the sanction of the Officer Commanding the _____ Division;

Now this Indenture Witnesseth as follows:—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon subject to the conditions set forth in the annexure hereto.

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly († pay the said rent in the manner provided in the annexure hereto and) observe all and every the conditions hereinbefore referred to and on his part to be observed.

† The words in brackets to be omitted, if the land is rent free.

When the parties execute an separate deed, omit the words "the day and the year first above written" and add the date below the signature. The last of such dates will be entered in the commencement as the day of making the indenture.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the

Officer Commanding the Division, acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of

signed, sealed and delivered by the above-named in the presence of

Note.—Copies of this Form and annexure can be obtained gratis on application for the Cantonment Magistrate.

ANNEXURE TO FORM B.

CONDITIONS.

In these conditions—

- (a) "house" means the house erected on the land occupied by the Lessee, and includes the land and buildings appurtenant to the house; and if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the First Assistant Resident, be final.
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with Lessee's consent.
- (c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a Cantonment Magistrate and any person in army departmental employment whom the Officer Commanding the Division may, for the purposes of these Conditions, place on the same footing as a military officer; and
- (d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer whom the Resident at Hyderabad may, for the purposes of these Conditions, place on the same footing as a civil officer.

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note endorsed on the site-plan annexed hereto or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Secunderabad Cantonment Code, 1913, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 281 and 282 of the said Cantonment Code and the plans and documents accompanying the same and the site plan appended hereto or where a proposed building, alteration or addition is not in accordance herewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purpose other than those specified in the Lessee's application under section 281, clause (2), of the Secunderabad Cantonment Code, 1913; nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purpose so specified.

Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclon or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified, then and in such case the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed as aforesaid as to the Officer Commanding the Division shall seem fit. Provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition IV (A).—The Lessee shall pay the said yearly rent of rupees

by equal monthly instalments of rupees

* This clause to be struck out if the land is not free.

and the said instalments shall be paid on the 15th day of every month, during the continuance of this demise for the month immediately preceding.

Condition IV (B).—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage, or exchange, his interest in the land or in the buildings, erected on the land, or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month, and with the concurrence of the Resident at Hyderabad, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Condition V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by that authority for entry in the register maintained under section 271 or section 272 as the case may be of the Secunderabad Cantonment Code, 1913.

Condition VI.—The Government reserves a right subject to the conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer.

Condition VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and

(b) the Lessee has forwarded an attested copy of such agreement to the cantonment authority.

Condition VIII.—Whenever the cantonment authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing,—

(a) require the Lessee to let the house to the military officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

Condition IX.—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or vice versa, it may by notice in writing require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

Condition X.—(1) The cantonment authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Resident at Hyderabad, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Resident at Hyderabad.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may if the house is not already occupied by a civil officer, by notice in writing,—

- (a) require the Lessee to let the house to the civil officer named in the notice, and
- (b) require the existing tenant (if any) to vacate the same.

Condition XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his Department, or (in the case of a civil officer) the Cantonment Magistrate, to make an application to that effect to the cantonment authority.

(2) On receipt of any such application the cantonment authority shall enquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and
- (d) if the house is vacant, that it is suitable for the residence of the officer, and
- (e) if the house is occupied, that it is suitable for the residence of the officer and that there is no vacant house in the cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer regard shall be had to (i) the locality in which his duties chiefly lie, and (ii) his rank.

Condition XII.—(1) The house shall not be occupied for the purposes of a hospital, bank, hotel, shop, or school, or by a railway administration without the previous written sanction of the Officer Commanding the Division, given with the concurrence of the Resident at Hyderabad.

(2) Before application is made for such sanction the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the Cantonment as compared with the strength of the existing or probable garrison renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment or in the part of the cantonment in which the house is situate for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied with sanction as a hospital, bank, hotel, shop or school, or by a railway administration or is otherwise appropriated by the Government.

Condition XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied with the sanction required by Condition XII as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) is occupied with the sanction aforesaid by a railway administration, or
- (c) is appropriated by the Resident at Hyderabad with the concurrence of the Officer Commanding the Division or by the Governor-General in Council for use as a public office or for any other purpose.

Condition XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X, shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

Condition XV.—(1) If the house is unoccupied any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

Condition XVI.—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this Condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

Terms of tenancy applicable to military and civil officers.

(a) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or

(b) by one month's notice in writing, to the Lessee in any other case.

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if such officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this Condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month.

Provided, that the sum shall not, in any case, be less than one-fourth of the monthly rent.

Condition XVII.—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

Condition XVIII.—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a committee of arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

Condition XIX.—(1) If the Lessee fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the Cantonment authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this Condition, he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a committee of arbitration.

Condition XX.—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the Cantonment to refer the matter to a committee of arbitration.

Condition XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX, either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a committee of arbitration.

Condition XXII. Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the committee shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code, 1913, and the Lessee and his tenant shall be bound by the decision of the committee.

Condition XXIII.—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX and has not, within fifteen days from the service of such notice, required that the matter be referred to a committee of arbitration, or

Right of tenant to execute repairs and deduct cost from rent.

if any committee of arbitration constituted under Chapter XX of the Secunderabad Cantonment Code, 1913, decides that repairs are necessary, and the extent to which they are

necessary, and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the cantonment authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

Condition XXIV.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the cantonment authority may by notice in writing require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice the cantonment authority may after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II the cantonment authority may by notice in writing require him to remove the building or to alter the same to its satisfaction; and if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition XXV.—(1) So long as the Lessee shall * [duly pay the said rent of rupees and] observe the conditions hereinbefore specified and on his part to be observed, he may, subject to Condition XXVII hold the land for ever without interruption by the Secretary of State.

Forfeiture for breach of any other condition

* The words in brackets to be omitted if the land is rent free.

(2) If the Lessee shall † [fail to pay the said rent of rupees for twenty one days after the same shall have become due or shall] in the event of the said buildings being destroyed or injured, by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury, and to re-erect the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the conditions hereinbefore specified, other than condition I or * Condition II, and on his part to be observed, the Resident at Hyderabad may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee, in the buildings erected on the land to be forfeited.

† The words in brackets to be omitted if the land is rent free.

Condition XXVI.—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV, or Condition XXV, clause (2).

Condition XXVII.—The Resident at Hyderabad may resume the land or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code, 1913, and the Lessee shall be bound by the decision of the committee of arbitration.

Right of the Government to resume the land on payment of compensation for buildings.

FORM C.
(See section 264.)
(Form of Lease for a term of years.)

THIS INDENTURE, made the _____ day of _____ 191____, BETWEEN THE SECRETARY FOR STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and _____, son of _____, (hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns) of the other part.

WHEREAS the Lessee has applied for permission to occupy, for the purpose of a building site, the land belonging to the Government in the _____ Cantonment which is delineated in the site plan hereto appended, and has submitted with his application the particulars and documents required by sections 261 and 262 of the Secunderabad Cantonment Code, 1913, AND WHEREAS the said application has received the sanction of the Officer Commanding the Division.

Now this INDENTURE WITNESSETH as follows:—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and henceforth to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon,* subject to the conditions set forth in the annexure hereto.

* Fill in as the case may be, "free of rent but," or "subject to the payment of the yearly rent of rupees and."

2. The Lessee doth hereby,

† Strike out words in brackets if no rent is payable.

covenant with the Secretary of State, that the Lessee, shall and will duly († pay the said rent in the manner provided in the annexure hereto and) observe all and every the conditions hereinbefore referred to and on his part to be observed.

In witness ‡ whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

‡ When the parties execute on separate dates, omit the words "the day and the year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement "as the day of making the indenture."

Signed, sealed and delivered by the officer Commanding the acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of

Division

Signed, sealed and delivered by the above-named , in the presence of

Note.—Copies of this form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

ANNEXURE TO FORM C.

CONDITIONS.

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Secunderabad Cantonment Code, 1913, may by order in writing allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 281 and 282 of the said Cantonment Code and the plans and documents accompanying the same and the site-plan appended hereto or, where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee's application under section 281, clause (d), of the Secunderabad Cantonment Code, 1913, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified:

Provided, always, that if the said buildings or any part thereof shall (at any time be destroyed by earthquake, fire, cyclone or other act of God, or shall be so injured thereby as to render them unfit for the purposes above specified, then and in such case, the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for the purposes aforesaid within such period not exceeding two years, after the same shall have been so destroyed or injured as aforesaid as to the Cantonment Authority of shall seem fit. Provided nevertheless, that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from date of such destruction or injury.

Condition III-A.* The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees , and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

* This clause to be struck out if the land is rent free.

Condition IV.—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month, and with the concurrence of the Resident at Hyderabad, to impose, by order in writing, his veto on any such transfer; and, if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Condition F.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the Cantonment Authority, within one month from the date of such

devolution, a report in writing of the fact, together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272, as the case may be, of the Secunderabad Cantonment Code, 1918.

Condition VI.—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the Cantonment Authority may, by notice in writing, require him to remove all or any buildings or materials which he

may have erected or collected thereon; and, if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition VII.—(1) So long as the Lessee shall duly [pay the said rent of rupees and] * observe the conditions hereinbefore specified, and on his part to be observed, he may, subject to Condition IX, hold the land for the term of—years computed from the day of—without interruption by the Secretary of State.

Forfeiture for breach of any other condition.
* The words in brackets to be omitted if the land is rent free.

(2) At the expiry of the said term of years the Lessee may be granted a renewal of the lease for a further period of years, such renewal and the period thereof to be at the discretion of the Officer Commanding the Division.

(3) If the Lessee shall [fail to pay the said rent of rupees for twenty-one days after the same shall become due, or shall]† in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence re-building same as provided in Condition III thereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the conditions hereinbefore specified, other than Condition I or Condition II, and on his part to be observed, the Resident at Hyderabad may, after giving one month's notice in writing, resume the land or any portion thereof and may, on such resumption, declare all or any part of the right and interest of Lessee in the buildings erected on the land to be forfeited.

† The words in brackets to be struck out if the land is rent free.

Land and building to be delivered up at end of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.
To be struck out when sub-clause (2) is to be used.

Condition VIII.—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

Condition IX.—(1) At the expiration of the said term of—years the Lessee shall deliver up to the Resident at Hyderabad and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon.

(2) If at the expiry of the said term of—years the Officer Commanding the Division in the exercise of his discretion declines to renew the lease, the Lessee shall deliver up to the Resident at Hyderabad and without any compensation whatever therefor the land comprised in this demise together with all erections and buildings which may be standing thereon on payment of compensation for such erections and buildings only as shall have been erected under proper authority.

If there shall be any dispute as to the amount of such compensation, the same shall be referred to a Committee of Arbitration as hereinafter provided.

Provided always that the Resident at Hyderabad may, at any time prior to the expiration of the said term, resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf to the Lessee under the hand of some duly authorised officer and upon paying to the Lessee compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a committee of arbitration which shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code of 1913, and the Lessee shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following—

- (a) the original cost of materials and construction;
- (ii) the condition of the buildings and their value at the date of resumption;
- (iii) the rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof;
- (iv) the period within which the buildings would become the property of Government without payment of any compensation to the Lessee.

* To be struck out if Conditions VII (2) and IX (2), first and second clauses, are retained.

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof.

* Note.—Condition VII (1) and (2) and Condition IX (1) and (2), first and second clauses.

These conditions provide for alternative leases. In the first, the buildings on the site become the property of the Local Government on the termination of the period for which the lease is granted. In the second alternative, the lease is renewable at the discretion of the Officer Commanding the Division, but when renewal is refused the Lessee must deliver up the site and all buildings and erections thereon receiving compensation for such buildings and erections as have been made under proper authority. In the first alternative, Condition VII (2) and IX (2), first and second clauses, will be struck out; in the second alternative, they will be retained and IX (1) struck out. In the latter form, renewals can be granted by the Officer Commanding the Division from time to time as often as may be considered desirable since the second and subsequent leases may, if the Officer Commanding the Division thinks fit, contain the Conditions VII (2) and IX (2), first and second clauses.*

FORM D.*

(Form of lease to be executed in all cases other than those for which Forms A, B and C are prescribed.)

THIS INDENTURE, made the _____ day of _____, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and _____ son of _____ (hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators, representatives and assigns) of the other part.

WHEREAS the Lessee has applied for permission to occupy for the purposes of a building site the land belonging to the Government in the _____ Cantonment which is delineated in the site plan hereto appended and has submitted with his application the particulars and documents required by sections 261 and 262 of the Secunderabad Cantonment Code, 1913, AND WHEREAS the said application has received the sanction of the Officer Commanding the Division.

Now this Indenture witnesseth as follows :—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter

* Fill in as the case may be "free of rent but" or "subject to the payment of the yearly rent of Rs. _____ and _____ into and upon the piece or parcel of land delineated in the site-plan hereto appended and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon* subject to the conditions set forth in the annexure hereto.

* Copies of this form with the annexure will be obtainable gratis on application to the Cantonment Magistrate.

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed. In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Strike out words in brackets if no rent payable.
When the parties execute on separate dates omit the words "the day and year first above written" and add the date of the signatures. The last of such dates will be entered in the commencement as the day of making the instrument.

Signed and sealed and delivered by _____ the Officer Commanding the _____ Division acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of _____
Signed, sealed and delivered by the above-named _____ in the presence of _____

ANNEXURE TO FORM D.

CONDITIONS.

In these conditions—

- (a) "house" means the house erected on the land occupied by the Lessee and includes the land and building appurtenant to the house; and if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall subject to revision by the First Assistant Resident be final;
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations, except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent;
- (c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a, Cantonment Magistrate and any person in Army departmental employment whom the Officer Commanding the Division may, for the purposes of these Conditions, place on the same footing as a military officer; and
- (d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Resident at Hyderabad may, for the purposes of these Conditions, place on the same footing as a civil officer.

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Secunderabad Cantonment Code, 1913, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under section 261 and 262 of the said Cantonment Code and the plans and documents accompanying the same and the site-plan appended hereto or, where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under Chapter XXI of the said Code.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee's application under section 261, clause (d), of the Secunderabad Cantonment Code, 1913, nor shall the buildings erected on the land be permitted to fall into such a state as absolutely to prevent their being used for the purposes so specified:

Provided, always, that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period, not exceeding two years after the same shall have been so destroyed or injured, as aforesaid, as to the Officer Commanding the Division shall seem fit. Provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III-A.—The Lessee shall pay the said yearly rent of rupees.

* This clause to be struck out, if the land is rent free.

by equal monthly instalments of rupees, and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

Condition IV.—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month, and with the concurrence of the Resident at Hyderabad to impose, by order in writing, his veto on any such transfer; and, if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Condition V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land may devolve, by transfer, by succession or by operation of law, shall send to the Cantonment Authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272 as the case may be, of the Secunderabad Cantonment Code, 1913.

Condition VI.—The Secretary of State reserves a right, subject to the conditions herein after contained, to appropriate the house at any time for occupation by any military officer or civil officer.

Condition VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, Agreement to vacate to be executed when house is let to any person other than a military or civil officer.

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and

(b) the Lessee has forwarded an attested copy of such agreement to the Cantonment Authority.

Condition VIII.—Whenever the Cantonment Authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing—

(a) require the Lessee to let the house to the military officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

Condition IX.—If the house is occupied by a departmental military officer and the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

Condition X.—(1) The Cantonment Authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Resident at Hyderabad, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Resident at Hyderabad.

(3) If, while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing,—

(a) require the Lessee to let the house to the civil officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

Condition XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his Department, or (in the case of a civil officer) the Cantonment Magistrate, to make an application to that effect to the Cantonment Authority.

(2) On receipt of any such application the Cantonment Authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the Cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and
- (d) if the house is vacant, that it is suitable for the residence of the officer, and
- (e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the Cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie, and (ii) his rank.

Condition XII.—(1) The house shall not be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration without the previous written sanction of the Officer Commanding the Division, given with the concurrence of the Resident at Hyderabad.

(2) Before application is made for such sanction, the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the Cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the Cantonment, or in the part of the Cantonment in which the house is situate, for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the Cantonment.

House not to be appropriated for military or civil officer if it is occupied with sanction as a hospital, bank, hotel, shop or school, or by a railway administration, or is otherwise appropriated by the Government.

Condition XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied, with the sanction required by Condition XII, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) if occupied with the sanction aforesaid by a railway administration, or
- (c) is appropriated by the Resident at Hyderabad with the concurrence of the Officer Commanding the Division or by the Governor-General in Council for use as a public office or for any other purpose.

Condition XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

Rent offered to be stated in notice to Lessee.

Condition XV.—(1) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from service of the notice.

Condition XVI.—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this Condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

- (a) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or
- (b) by one month's notice in writing to the Lessee in any other case.

(2) A notice under clause (1) of this Condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not, in any case be less than one-fourth of the monthly rent.

Condition XVII.—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

Condition XVIII.—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may within a period of fifteen days, from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

Condition XIX.—(1) If the Lessee fails to execute any repairs to the house which any tenant being a military or a civil officer, may consider necessary, the Cantonment Authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition, he may within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

Condition XX.—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Power of either Lessee or tenant to apply for reference to arbitration on other questions.

Condition XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX,

either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXII.—Whenever any matter is referred to a Committee of Arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code, 1913, and the Lessee and his tenant shall be bound by the decision of the Committee.

Condition XXIII.—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or, if any Committee of Arbitration constituted under Chapter XX of the Secunderabad Cantonment Code, 1913, decides that repairs are necessary, and the extent to which they are necessary, and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the Cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

Condition XXIV.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing, require him to remove all or any buildings or materials which he

Procedure on breach of Condition I or Condition II.

may have erected or collected thereon; and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition XXV.—(1) So long as the Lessee shall [duly pay the said rent of rupees — and*] observe the conditions hereinbefore specified, and on his part to be observed, he may, subject to Condition XXVII, hold the land for the term of — years computed from the day of — without interruption by the Secretary of State.

Portenture for breach of any other condition.
*The words in brackets to be omitted if the land is rent free.

(2) At the expiry of the said term of — years the Lessee may be granted a renewal of the lease for a further period of — years, such renewal and the period thereof to be at the discretion of the Officer Commanding the Division.

To be struck out in cases where it is intended that the lease shall not be renewable.

(3) If the Lessee shall [fail to pay the rent of Rs. — for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period — therein provided, or shall break any of the conditions hereinbefore specified, other than Condition I or Condition II, and on his part to be observed, the Resident at Hyderabad may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

Condition XXVI.—The Lessee shall not be entitled to compensation for any loss incurred by reason of any thing done in pursuance of Condition XXIV or Condition XXV, clause (2).

Claims to compensation barred.

Condition XXVII.—(1) At the expiration of the said term of — years the Lessee shall deliver up to the Resident at Hyderabad and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon:

Land and buildings to be delivered up at expiration of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.

To be struck out when sub-clause (2) is to be used.

(2) If at the expiry of the said term of — years the Officer Commanding the Division in the exercise of his discretion declines to renew the lease, the Lessee shall deliver up to the Resident at Hyderabad and without any compensation whatever therefor the land comprised in this demise together with all erections and buildings which may be standing thereon on payment of compensation for such erections and buildings only as shall have been erected under proper authority.

If there shall be any dispute as to the amount of compensation, the same shall be referred to a Committee of Arbitration as hereinafter provided.

Provided always that the Resident at Hyderabad may, at any time prior to the expiration of the said term, resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf to the Lessee under the hand of some duly authorised officer and upon paying to the Lessee compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be and dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code of 1913, and the Lessee shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following—

- (i) the original cost of materials and construction;
- (ii) the condition of the buildings and their value at the date of resumption;
- (iii) the rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof;
- (iv) the period within which the buildings would become the property of Government without payment of any compensation to the Lessee.

* To be struck out if conditions XXV (2) and XXVII (2), first and second clauses are retained.

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission mentioned in Condition II hereof.

Note.—Conditions XXV (1) and (2), and Conditions XXVII (1) and (2), first and second clauses.

- These conditions provide for alternative leases. In the first, the buildings on the site become the property of the Local Government on the termination of the period for which the lease is granted. In the second alternative, the lease is renewable at the discretion of the Officer Commanding the Division but when renewal is refused the lessee must deliver up the site and all buildings and erections thereon receiving compensation for such buildings and erections as have been made under proper authority. In the first alternative, Conditions XXV (2) and XXVI (2), first and second clauses, will be struck out; in the second alternative, they will be retained and XXVII (1) struck out. In the latter form, renewals can be granted by the Officer Commanding the Division from time to time as often as may be considered desirable, since the second and subsequent leases may, if the Officer Commanding the Division thinks fit, contain the Conditions XXV (2) and XXVII (2), first and second clauses."

FORM E.

Conditions referred to in the second proviso to section 92, clause (1).

In these Conditions—

- (a) "house" means the house erected on the land occupied by the applicant and includes the land and buildings appurtenant to the house; and, if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall be final;
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations, except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the applicant's consent;
- (c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a Cantonment Magistrate and any person in army departmental employment whom the Officer Commanding the Division may, for the purposes of these Conditions, place on the same footing as a military officer; and
- (d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Resident at Hyderabad may, for the purposes of these Conditions, place on the same footing as a civil officer.

Condition I.—The buildings to be erected on the land in accordance with the site-plan appended to the application shall be commenced within six months from the execution of the agreement, and shall be completed within the period specified in the note endorsed on such plan.

Condition II.—(1) Buildings may be erected on the land only in accordance with the site-plan appended to the application or, where a proposed building, alteration or addition is not in accordance with such plan, with the written permission of the authority which sanctioned the application.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the applicant.

Condition III.—The land shall not be used for any purpose other than those specified in the applicant's application under section 92 of the Secunderabad Cantonment Code, 1918; nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified:

Provided, always, that it shall be obligatory on the applicant to commence rebuilding the same, if destroyed or injured by earthquake, fire, cyclone or other act of God, within six months of such destruction or injury, and to reinstate the same fit for use for the purposes so specified as aforesaid within such period, not exceeding two years, after the same shall have been so destroyed or injured as aforesaid, as to the cantonment authority shall seem fit, provided, nevertheless, that in no such case shall the applicant be required to reinstate the same fit for use as aforesaid within a shorter period than twelve months from date of such destruction or injury.

Condition IV.—(1) Whenever the applicant intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Cantonment Magistrate shall have power, within the said period of one month, and with the concurrence of the cantonment authority, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to the Resident at Hyderabad without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

Condition V.—Every person on whom the applicant's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by the cantonment authority for entry in the register maintained under section 273 of the Secunderabad Cantonment Code, 1918.

Condition VI.—The Government reserves a right, subject to the conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer.

Condition VII.—If the applicant lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

- (a) such person has executed a stamped agreement undertaking to vacate the house whenever required to do so in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and
- (b) the applicant has forwarded an attested copy of such agreement to the cantonment authority.

Condition VIII.—Whenever the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers, by notice in writing—

- (a) require the applicant to let the house to the military officer named in the notice, and
- (b) require the existing tenant (if any) to vacate the same.

Condition IX.—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer or *vice versa*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the applicant to accept the change of tenancy.

Condition X.—(1) The cantonment authority may, at any time, with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Resident at Hyderabad, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Resident at Hyderabad.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

- (a) require the applicant to let the house to the civil officer named in the notice, and
- (b) require the existing tenant (if any) to vacate the same.

Condition XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX, or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his

Department, or (in the case of a civil officer) the Cantonment Magistrate, to make an application to that effect to the cantonment authority.

(2) On receipt of any such application the cantonment authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and
- (d) if the house is vacant, that it is suitable for the residence of the officer, and
- (e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie, and (ii) his rank.

Condition XII.—(1) The house shall not be occupied for the purposes of a bank, hotel, shop or school, or by a railway company, without the previous sanction in writing of the Commanding Officer of the Cantonment given with the concurrence of the Resident at Hyderabad.

(2) Before application is made for such sanction, the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situated, for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

Houses not to be appropriated for military or civil officer if it is occupied, with sanction as a bank, hotel, shop or school, or by a railway company, or is otherwise appropriated by the Government.

Condition XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied, with the sanction required by Condition XII, as a bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) is occupied with the sanction aforesaid by a railway company, or
- (c) is appropriated by the Resident at Hyderabad or by the Governor-General in Council for use as a public office or for any other purpose.

Condition XIV.—Every notice to the applicant issued under Condition VIII, Condition IX or Condition X shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

Condition XV.—(1) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the applicant to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

Condition XVI.—(1) Subject to the terms of any agreement in writing between the applicant and a military officer or a civil officer, and to the terms of this Condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

- (a) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or
- (b) by one month's notice in writing to the applicant in any other case.

(2) A notice under clause (1) of this Condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the applicant free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this Condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be

liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month :

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

Condition XVII.—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the applicant, the sub-lease shall be voidable at the option of the applicant.

Condition XVIII.—(1) If the applicant considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a committee of arbitration.

(2) If the applicant does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

Condition XIX.—(1) If the applicant fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the cantonment authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the applicant to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(2) If the applicant objects to comply with any notice issued under clause (1) of this Condition, he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a committee of arbitration.

Condition XX.—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the Cantonment to refer the matter to a committee of arbitration.

Condition XXI.—If the applicant and any tenant of the house, being a military or civil officer, disagree—

- (a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason or
- (b) on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX,

either the applicant or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a committee of arbitration.

Condition XXII.—Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the committee shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code, 1918, and, the applicant and his tenant shall be bound by the decision of the committee.

Condition XXIII.—If the applicant fails to comply with any notice issued under clause (1) of Condition XIX, and has not within fifteen days from the service of such notice, required that the matter be referred to a committee of arbitration, or,

if any committee of arbitration constituted under Chapter XX of the Secunderabad Cantonment Code, 1918, decides that repairs are necessary, and the applicant fails to execute such repairs within a period to be specified in a notice issued by the Cantonment authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the applicant.

Condition XXIV.—(1) If the applicant does not commence or complete, as required by Condition I the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he

Procedure on breach of Condition I or Condition II.

may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the agreement.

(2) If the applicant erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition XXV.—(1) So long as the applicant, his heirs, administrators, representatives or assigns, shall observe the conditions hereinbefore specified and on his or their part to be observed, he or they may, subject to Condition XXVII, hold the land for ever without interruption by the Secretary of State, his successors and assigns.

(2) If the applicant, his heirs, executors, administrators, representatives or assigns, shall in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the remaining conditions hereinbefore specified, other than Condition I or Condition II, and on his or their part to be observed, the Resident at Hyderabad may, after giving one month's notice in writing, cancel the grant or any portion thereof, and, may, on such cancellation, declare all or any part of the right and interest of the applicant, his heirs, executors, administrators, representatives or assigns, in the buildings erected on the land to be forfeited.

Condition XXVI.—The applicant, his heirs, executors, administrators, representatives and assigns, shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2).

Condition XXVII.—The Resident at Hyderabad may cancel the grant or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Secunderabad Cantonment Code, 1913, and the applicant, his heirs, executors, administrators, representatives and assigns, shall be bound by the decision of the committee of arbitration.

FORM F.

I, _____, owner of the land specified in the application made by _____, son of _____, and dated the _____, do hereby agree on behalf of myself, my heirs, executors, administrators, representatives and assigns, to abide by the agreement and conditions entered into by the said applicant on the expiration of the lease or in the event of the land in question otherwise reverting to my possession.

No. 3634-I. B.—In exercise of the power conferred by Section 25, sub-section (1), of the Cantonments Act, 1910 (XV of 1910), as applied to the Cantonment of Aurangabad by the Notification of the Government of India in the Foreign Department, No. 582-I. B., dated the 22nd March 1913, the Governor-General in Council is pleased to direct that on and with effect from the 1st December 1913, the Secunderabad Cantonment Code of 1913, which is an adaptation of the British Indian Cantonment Code of 1912, shall be in force in the Cantonment of Aurangabad, subject to the modifications set forth below.

The Secunderabad Cantonment Code of 1908, which is now in force in the Cantonment of Aurangabad in virtue of the Notification of the Government of India in the Foreign Department, No. 3084-I. B., dated the 7th October 1904, is hereby repealed.

But committees constituted, appointments, orders, bye-laws and requisitions made, notifications, notices and summonses issued, and licenses granted under the said Code, shall be deemed to have been respectively constituted, made, issued and granted under the rules and applied enactments hereby directed to be in force.

Modifications.

- (1) Except where the context otherwise requires references to Secunderabad shall be read as referring to the Aurangabad Cantonment throughout the Code.
- (2) For Section 2 (1)(e) substitute—"Accountant-General" means the Comptroller, Central Provinces.

- (3) Insert the following as Section 2 (1)(c)—

"Brigade" means any body of troops, placed for administrative purposes under a Commander of one or more stations having the status of a Brigadier-General or Colonel on the staff.

- (4) For Section 2 (1)(cc) substitute —"Division" means the 6th (Poona) Division.

- (5) For Section 2 (1)(p) substitute —"Officer Commanding the Division" means the Officer Commanding the 6th (Poona) Division.

- (6) For Section 2 (1)(u) substitute —"Sanitary Officer" means any Medical Officer appointed to perform the duties of the Sanitary Officer of the Cantonment or, when no such Sanitary Officer has been specially appointed, the Senior Executive Medical Officer in military employ on duty in the Cantonment.

- (7) For Section 3 clauses (1) and (2) substitute the following—

Ordinary members of the Cantonment Committee, Aurangabad, shall ordinarily consist of the following members, namely:—

- (a) the Commanding Officer of the Cantonment;
- (b) the Officer Commanding Regiments in the Cantonment;
- (c) the Sanitary Officer;
- (d) the Cantonment Magistrate; and
- (e) the Executive Engineer.

- (2) The Commanding Officer of the Cantonment shall be President and the Cantonment Magistrate shall be the Secretary of the Committee."

- (8) Insert the following as Section 6.

"6. (1) The Resident at Hyderabad after consultation with the Officer Commanding the Division, may, by notification direct, in case the Cantonment Committee has ceased to exist, or cannot be convened, that any of the functions of the Cantonment authority under this Code—

- (a) shall be in abeyance; or

- (b) shall, with such modifications as may be prescribed in the notification, be discharged by the Commanding Officer of the Cantonment.

- (2) Subject to any notification for the time being in force under sub-section (1), the Commanding Officer of the Cantonment may discharge any of the functions of the Cantonment authority under this Code."

- (9) In Section 10 (2), omit the words "and to the Commanding Officer of the Cantonment".

- (10) In Sections 13 (1), 14, 15 (1) (a), 16, 18 (2) proviso, 32 (1), 32 (3), 32 (6) (b), 33 (1) (a) and (b), and (2), 233 and 276 (2), for the words "Commanding Officer of the Cantonment" substitute "Officer Commanding the Brigade."

- (11) In Section 13 (2) omit the words "through the Commanding Officer of the Cantonment" occurring after the word "Hyderabad" and substitute "Officer Commanding the Brigade" for "Commanding Officer of the Cantonment" occurring at the end.

- (12) At the end of the explanation to Section 24, add the following words—"or when there is no Cantonment Committee to the Commanding Officer of the Cantonment".

- (13) In Section 30 (c) references to the Cantonment Committee and Secretary to the Cantonment Committee shall be read as referring to the Commanding Officer of the Cantonment when there is no Cantonment Committee.

- (14) In Section 34 (1) add "or when there is no Cantonment Committee to the Commanding Officer of the Cantonment", at the end.

- (15) In Section 34 (2), after the words "the Secretary" add "or the Commanding Officer of the Cantonment".

- (16) In Section 36 (2), add at the end "or when there is no Cantonment Committee by the Commanding Officer of the Cantonment".

- (17) In Section 38 (5), substitute the words "the officer authorised to sign cheques by sub-section (2)" for "the Secretary to the Cantonment Committee".

- (18) In Section 36 (7), substitute the words "the officer authorised to sign cheques" for "the Secretary to the Cantonment Committee".

- (19) In Section 36 (8), substitute the words "officer whose duty it would be under sub-section (2) to sign cheques" for "Secretary to the Cantonment Committee".

- (20) In Section 37 (1), substitute "one hundred and fifty rupees" for "three hundred rupees".
- (21) In Section 44 (2), add at the end "or when there is no Cantonment Committee by the Commanding Officer of the Cantonment".
- (22) In Section 45 (2), add "or when there is no Cantonment Committee by the Commanding Officer of the Cantonment" before the word 'namely'.
- (23) In Sections 51 (1) and 57, substitute "Comptroller, Central Provinces" for "Accountant-General, Madras".
- (24) In Section 51 (2) and (3), substitute "Comptroller" for "Accountant-General".
- (25) In Section 54, substitute "treasury" for "Hyderabad Residency Treasury".
- (26) Omit proviso to Section 55 (2).
- (27) In Section 55 (3), substitute "officer in charge of the treasury" for "treasury officer".
- (28) In Section 59 omit the words "through the Commanding Officer of the Cantonment".
- (29) In Section 60 omit the words "Cantonment Magistrate and" and insert at the end "or when there is no Cantonment Committee by the Commanding Officer of the Cantonment".
- (30) In Section 63 and in the proviso to it omit the words "Cantonment Magistrate and".
- (31) In Section 69 omit clause (e), and the reference to clause (e) occurring in clause (f).
- (32) In the proviso to Section 73 (2), substitute "Officer Commanding the Division" for "Commanding Officer of the Cantonment".
- (33) In the proviso to Section 74 (1) and in Section 74 (2) and in the proviso to Section 82, substitute the words "Officer Commanding the Division" for "Commanding Officer of the Cantonment".
- (34) In Section 118, substitute "Officer Commanding the Division" for "Commanding Officer of the Cantonment".
- (35) In Section 263 (3) add "through the Officer Commanding the Brigade" after the word "Division" and before the words "for sanction".
- (36) In proviso (b) to Section 263 (3), insert "the Officer Commanding the Brigade" after "the Commanding Officer of the Cantonment".
- (37) In Section 268 insert "Officer Commanding the Brigade" after "Officer Commanding the Division".
- (38) In Form 8 of Schedule I (Pass Book), omit "the Hyderabad Residency Civil Treasury" and leave space for the name of the banker concerned to be entered.
- (39) For the forms in Schedule II substitute the forms appended to this notification.
- (40) In Schedule V, against the entries 78 (c) and 95 in column 3, substitute "Officer Commanding the Division" for "Commanding Officer of the Cantonment".

Form I.

[illegible]

NOTE:—The register should be interleaved, so as to show the demand and recovery of each tax on one and the same page.

Form II.

Demand and Recovery Register of house, latrine and water taxes for the year 191 - 1

Assessment number	Name of party.	Assessment.				QUARTERLY COLLECTIONS.								Remitted or written off.		Balance outstanding at the end of the year.	Remarks.
		First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	First quarter.	Second quarter.	Third quarter.	Fourth quarter.	Amount.	Number in Re-mission Register.		
		Amount due.	Amount due.	Amount due.	Amount due.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14				
		Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.	Rs. a.p.				